

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DELORIS PHILLIPS,

Plaintiff,

v.

TEXAS DEPARTMENT OF FAMILY
PROTECTIVE SERVICES and UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

Civil Action No. 3:18-CV-3298-C

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The application for leave to proceed *in forma pauperis* on appeal is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the Magistrate Judge's Order filed in this case on December 28, 2018 (Doc. 8). Based on that Order, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this Court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), Plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED this 23rd day of January, 2019



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE